

STATE OF MICHIGAN
COURT OF APPEALS

In re GRAYSON-BEY, Minor.

UNPUBLISHED
January 12, 2016
No. 325248
Wayne Circuit Court
Family Division
LC No. 10-497519-NA

In re GRAYSON-BEY, Minor.

No. 325556
Wayne Circuit Court
Family Division
LC No. 10-497519-NA

Before: TALBOT, C.J., and CAVANAGH and K. F. KELLY, JJ.

PER CURIAM.

These consolidated appeals concern the parental rights of respondent mother and respondent father to their child, IG. After conducting an evidentiary hearing, the trial court terminated respondent mother's parental rights to IG, but did not find that statutory grounds existed to terminate the parental rights of respondent father. In Docket No. 325248, petitioner, the Department of Health and Human Services (DHHS), appeals by leave granted the trial court's decision with respect to respondent father. In Docket No. 325556, respondent mother appeals the trial court's decision to terminate her parental rights. We affirm both decisions.

I. FACTS

IG was born in 2010. DHHS became involved because respondent mother appeared mentally unstable after giving birth to IG.¹ When IG left the hospital, DHHS asked that respondent father not allow IG to be left alone with respondent mother. During the following months, DHHS investigated several complaints of neglect and abuse with regard to IG, all of which stemmed from incidents of domestic violence between respondent father and respondent mother. While investigating these claims, it was discovered that IG was regularly left solely in

¹ Respondent mother's history of mental health concerns predates IG's birth by many years.

the care of respondent mother. However, because of the acts of violence perpetrated by respondent father against respondent mother, DHHS requested that IG stay in respondent mother's care, and that she not allow respondent father to enter her apartment.

In November, 2010, when IG was approximately six months old, DHHS received another complaint of domestic violence. Police reported that respondent mother was seen walking to a liquor store, carrying IG, and smelling of alcohol. Respondent father had assaulted respondent mother and broken several windows in her home. A social worker visited respondent mother's home the following day. IG was in the home with respondent mother, and broken glass was on the floor. Respondent mother explained that respondent father had come to the home and threw bricks through the windows. Despite the time of the year, respondent mother refused to fix or cover the windows, or even remove the broken glass from her living room floor. She also refused to go to a domestic violence shelter.

At this point, DHHS removed IG from respondent mother's care and filed a petition for temporary custody. A jury trial was held regarding the petition. Respondent father testified and admitted to physically assaulting respondent mother. He admitted to throwing a brick through respondent mother's window in an effort to see IG. Respondent father also testified that he was disabled and that he needed assistance to provide proper care and housing for IG. Respondent mother did not testify, but substantial evidence was admitted concerning her mental health issues. Evidence was also admitted demonstrating that she had failed to properly care for IG by taking him outdoors without proper clothing and failing to take any steps to repair the broken windows at her apartment. A jury concluded that statutory grounds for exercising jurisdiction over IG had been proven.

Respondent mother was provided with parenting classes, domestic violence classes, and mental health treatment. After a psychological examination, respondent mother was diagnosed with several mental health conditions. But rather than accept these diagnoses, respondent mother sought out her own mental health provider, who diagnosed her with post-traumatic stress disorder. Respondent father received parenting classes, domestic violence treatment, and substance abuse treatment. Both parents were provided supervised visitation with IG. Despite these efforts, respondent father continued to abuse alcohol, and when he did, acted aggressively, and sometimes violently. Respondent mother continued to engage in physically abusive relationships, and she was unable to satisfactorily address her mental health problems. In May, 2012, DHHS filed a supplemental petition seeking permanent custody and to terminate the parental rights of respondent mother and respondent father. After an evidentiary hearing that extended over several months, the trial court concluded that statutory grounds existed to terminate respondent mother's parental rights. However, as the evidentiary hearing was reaching a close, respondent father began making progress with respect to his alcohol dependence. For this reason, the trial court concluded that statutory grounds did not exist to terminate his parental rights. Because it had not terminated respondent father's parental rights, the trial court concluded that termination of respondent mother's parental rights was not in IG's best interests. IG continued in the trial court's supervision.

In March, 2014, DHHS filed a second petition seeking permanent custody of IG and to terminate the parental rights of respondent mother and respondent father. The trial court held a second evidentiary hearing which again spanned several months. During this hearing, the trial

court heard extensive testimony regarding respondent mother's mental health. While those treating respondent mother generally testified that her mental health was stable, the agency workers who interacted with respondent mother provided several recent examples of conduct demonstrating that respondent's mental health was still a barrier to reunification.² A recent clinic for child study report, completed on April 24, 2014, found that despite approximately 3 ½ years of treatment, respondent mother had "extremely limited insight" into her mental health needs. The psychologist who completed the study noted that respondent mother continued to experience paranoid thinking, and that her mental health issues prevented her from parenting IG. The psychologist diagnosed respondent mother with schizoaffective disorder, post-traumatic stress disorder, and a personality disorder with paranoid features. Respondent mother's parenting skills were described by the psychologist as "obviously ineffective." Respondent mother had unreasonable expectations of IG's abilities relative to his age, which caused him anxiety. She also exhibited limited insight into how her parenting style affected IG. Because of her mental health and parenting problems, respondent mother never progressed past supervised visits with IG.

With regard to respondent father, as a general matter, he was compliant with his treatment plan. Since the conclusion of the first termination hearing, he had participated in services directed at treating his alcohol dependence and domestic violence issues. He had demonstrated marked improvement with regard to his alcohol problem, and there was no evidence of any incidences of domestic violence. His visits with IG were appropriate. In the period between the two termination petitions, he progressed first to unsupervised visits, and then to overnight visits. At a dispositional review hearing held on December 17, 2013, the foster care agency worker assigned to the case testified that respondent father's remaining barrier to reunification was his cognitive deficit, which resulted in memory problems.³ But despite several attempts, DHHS had been unable to locate a service that could address his disability.⁴ The worker supported the plan of reunifying respondent father with IG. She believed that respondent father could provide proper care and custody to IG with some assistance.

² Respondent mother continued to act with hostility toward caseworkers. She also exhibited signs of paranoia. Respondent mother accused one worker of conspiring with respondent father to murder her brother in another state. Respondent mother left hundreds of voicemails with caseworkers and filed over 20 complaints against them. Respondent also had confrontations with the foster parents, including one incident where she accused the foster parents of abusing IG by taking him by the arm in a parking lot and walking him to a car.

³ This cognitive deficit was the result of a traumatic brain injury suffered years before IG was born.

⁴ One agency contacted could not service respondent father because it only serviced patients who suffered a traumatic brain injury before age 21, and his injury occurred after this age. Another service was available only to psychiatric patients. A third potential provider, a local university, only served students of that university.

However, there were also a few troubling circumstances regarding respondent father. At the December 17, 2013 dispositional review hearing, the trial court was informed that IG developed a rash after staying overnight at respondent father's apartment. The precise cause of the rash was not identified, and thus, it was unknown if some condition of the apartment was to blame. But out of caution, the trial court ordered that the overnight visits end until the source of the rash could be identified. Respondent father's visits with IG returned to supervised visits at the agency.⁵ While most of his drug screenings were negative, respondent father tested positive for alcohol on one occasion in late December, 2013. He also missed some screenings, although there appeared to be some confusion regarding whether the screenings were actually missed or just improperly logged. In March, 2014, he was arrested for disorderly conduct, and police reported that he smelled of alcohol. For his part, respondent father testified that he had not been drinking at the time of this incident. In May, 2014, he left a voicemail with a caseworker in which he made accusatory, rambling statements. His speech patterns suggested that he may have been intoxicated. He was again arrested in August, 2014, after a verbal altercation with a cashier at a grocery store.

At the conclusion of the evidentiary hearing, the trial court found that statutory grounds existed to terminate respondent mother's parental rights pursuant to MCL 712A.19b(3)(c)(i), (3)(g), and (3)(j). Noting the lack of bond between respondent mother and IG, her ongoing mental health problems, and IG's age, the trial court concluded that it was in IG's best interests to terminate respondent mother's parental rights. With regard to respondent father, the trial court found that statutory grounds for termination had not been proven by clear and convincing evidence. The trial court noted that respondent father had completed his treatment plan and progressed to unsupervised visits. The trial court concluded that he had attended to his issues with alcohol, and stated that the only remaining barrier to reunification was his cognitive deficit. The court found that if respondent father were provided services directed toward his cognitive deficit, he could potentially provide proper care and custody of IG within a reasonable time.

DHHS filed an application for leave to appeal in this Court, arguing that the trial court erred when it failed to terminate respondent father's parental rights. Respondent mother appealed as of right the trial court's decision to terminate her parental rights. This Court granted respondent father's application for leave to appeal and consolidated the appeals.⁶

⁵ At the dispositional review hearing, the trial court verbally ordered respondent father's overnight visits to end until the source of the rash was identified, but that he continue to have unsupervised parenting time with IG. However, in its written order following this hearing, the trial court ordered that the parenting time of the "parents" be supervised at the agency. Despite this apparent error, the trial court's written order went unchallenged, and respondent father's visits were supervised at the agency throughout the pendency of the evidentiary hearing.

⁶ *In re Grayson-Bey*, unpublished order of the Court of Appeals, entered April 29, 2015 (Docket No. 325248).

II. ANALYSIS

A. STANDARD OF REVIEW

“To terminate parental rights, a trial court must find by clear and convincing evidence that at least one statutory ground under MCL 712A.19b(3) has been established.”⁷ If a statutory ground for termination is established, the trial court must then consider whether termination would be in the child’s best interests.⁸ If the trial court finds by a preponderance of the evidence that termination is in the child’s best interests, the court must order termination.⁹ We review the trial court’s findings regarding the statutory grounds for termination and the best interests of the child for clear error.¹⁰

A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. To be clearly erroneous, a decision must be more than maybe or probably wrong. Further, regard is to be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it.¹¹

B. RESPONDENT MOTHER

On appeal, respondent mother argues that the trial court erred when it determined that the statutory grounds stated in MCL 712A.19b(3)(c)(i), (3)(g), and (3)(j) had been proven by clear and convincing evidence. She also argues that the trial court erred when it found that termination of her parental rights was in the best interests of IG. We disagree.

Termination of parental rights pursuant to MCL 712A.19b(3)(c)(i) is appropriate where “[t]he parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds” that “[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child’s age.” The most significant condition that led to the adjudication was respondent mother’s mental health problems, which prevented her from effectively parenting IG. Despite years of mental health treatment, respondent mother’s mental health problems persisted, and continued to interfere with her ability to parent her child. As noted in the clinic for child study report, she had little insight into her mental health issues, and thus, there was little chance that her mental health would improve in a reasonable time. Further, that respondent mother could not rectify her mental health problems despite receiving three years of services established

⁷ *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013).

⁸ MCL 712A.19b(5); *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011).

⁹ *Moss*, 301 Mich App at 83.

¹⁰ *Ellis*, 294 Mich App at 33.

¹¹ *Id.* (citations omitted).

that the conditions that led to the adjudication remained and would not be rectified in a reasonable time. The trial court did not clearly err when it found statutory grounds to terminate respondent mother's parental rights pursuant to MCL 712A.19b(3)(c)(i).¹²

While only one statutory ground need be proven to terminate parental rights,¹³ we also agree that termination of respondent mother's parental rights was appropriate under MCL 712A.19b(3)(g) and (3)(j). Termination of parental rights is warranted pursuant to MCL 712A.19b(3)(g) if "[t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." "A parent's failure to participate in *and benefit from* a service plan is evidence that the parent will not be able to provide a child proper care and custody."¹⁴ While it appears that respondent mother generally complied with her service plan, she did not benefit from these services. As discussed, her mental health issues persisted and interfered with her ability to parent IG. She also continued to demonstrate a lack of understanding of child development. The psychologist who completed the recent clinic for child study report noted that respondent mother was unable to empathize with IG's feelings. The psychologist described respondent mother's parenting style as "obviously ineffective" and noted that it caused IG anxiety. Further, respondent mother had a very limited understanding of her history of dysfunctional relationships. This evidence demonstrated that respondent mother had not substantially benefitted from 3 ½ years of services directed toward remedying these problems. Accordingly, we find no clear error in the trial court's determination that the statutory ground stated in MCL 712A.19b(3)(g) was established by clear and convincing evidence. And based on these same facts, we find no clear error in the trial court's conclusion that termination was warranted under MCL 712A.19b(3)(j), which requires termination if "[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent."

Respondent mother suggests that DHHS did not provide reasonable efforts toward reunification because she was not provided either in-home supervised parenting time or unsupervised parenting time with IG. Generally, when a child is removed from a parent, the state must make reasonable efforts toward reunification.¹⁵ Here, DHHS made substantial efforts

¹² Respondent mother argues that because those working for her chosen mental health provider testified that she was generally stable, the trial court's conclusion was clearly erroneous. Respondent mother does not acknowledge the substantial evidence indicating that her mental health problems were more serious than her mental health provider believed, and that these problems were not resolved. The issue was essentially one of credibility, and we decline to interfere with the trial court's determinations in this regard. See *id.*

¹³ *Id.* at 32.

¹⁴ *In re White*, 303 Mich App 701, 710; 846 NW2d 61 (2014) (emphasis supplied).

¹⁵ *In re Rood*, 483 Mich 73, 99-100; 763 NW2d 587 (2009). No such efforts need be made if certain aggravating conditions exist. See *id.* at 100 n 37. However, no aggravating conditions exist here.

to reunify respondent mother and IG. Respondent was provided several services, including mental health treatment, multiple courses of parenting classes, and multiple courses of domestic violence classes. She was also provided supervised parenting time with IG on a regular basis. But because respondent mother continued to be a threat to IG's safety and well-being, she did not progress beyond supervised parenting time at the agency. This fact does not demonstrate that the state failed to make reasonable efforts toward reunification. Rather, it demonstrates that despite substantial efforts by DHHS, respondent mother was unable to safely parent IG. Respondent mother's argument lacks merit.

We also find no clear error in the trial court's best-interests determination. When determining whether termination is in the child's best interests, the trial court may consider a variety of factors, including "the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home."¹⁶ The record established that IG's bond with respondent mother was limited. In contrast, IG was bonded to his foster parents and thrived in their home. As explained, respondent's parenting ability is lacking. And clearly, after years of being under the court's supervision, IG is in need of permanency and stability. The record easily demonstrated that termination of respondent mother's parental rights was in IG's best interests.

C. RESPONDENT FATHER

DHHS and IG¹⁷ argue that the trial court clearly erred when it found that the statutory grounds for terminating respondent father's parental rights were not proven by clear and convincing evidence. We disagree.¹⁸

We begin by rearticulating the high degree of deference we must give to the trial court's decision in this matter. Under the clear-error standard of review, there must be more than the possibility that the trial court was wrong; indeed, even if we believe that the trial court was "probably wrong[,] reversal is not permitted."¹⁹ We must affirm the trial court's decision unless we are definitely and firmly convinced that the trial court erred.²⁰ We must also give deference

¹⁶ *In re Olive/Metts*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012) (citations omitted).

¹⁷ IG is represented in this matter through his guardian ad litem.

¹⁸ DHHS and IG also argue that the trial court clearly erred by failing to find that termination of respondent father's parental rights was in IG's best interests. Because the trial court's decision with regard to the statutory grounds for termination was not clearly erroneous, we need not reach this issue. We further note that because the trial court concluded that DHHS had failed to adequately prove the existence of a statutory ground for terminating respondent father's parental rights, it did not consider whether termination of his parental rights was in IG's best interests. Thus, as it pertains to respondent father, there are no best interest findings for this Court to review.

¹⁹ *Ellis*, 294 Mich App at 33.

²⁰ *Id.*

to the trial court's superior ability to assess the credibility of witnesses and the weight to accord their testimony.²¹ "Thus, under the clear-error standard, a reviewing court should not substitute its judgment on questions of fact unless the factual determination clearly preponderates in the opposite direction."²² This degree of deference "can make a critical difference in difficult cases such as the one before us."²³

The statutory bases considered by the trial court with respect to respondent father are the same as those discussed with respect to respondent mother: MCL 712A.19b(3)(c)(i), (3)(g), and (3)(j). We begin with MCL 712A.19b(3)(c)(i).

1. MCL 712A.19b(3)(c)(i)

With regard to MCL 712A.19b(3)(c)(i), at the conclusion of the evidentiary hearing, the trial court stated:

[T]he original conditions didn't apply to the father. The original conditions were mother's mental health causing the child to be at risk of harm. The original allegations against the father were just simply whether or not he'd be able to separate from the mother and be able to provide care on his own.

So we don't have a statutory basis for father under [MCL 712A.19b(3)(c)(i).]

DHHS argues that this finding was clearly erroneous because it indicates that respondent father's conduct played no part in the conditions that led to the adjudication.²⁴ And if we were to look only to the words above, we might agree. Respondent father's conduct was one of the conditions that brought IG under the court's supervision. The primary concern with respondent father was his use of alcohol, which played a part in various incidents of violence against respondent mother. However, in a written opinion, the trial court clarified its holding:

Father completed his treatment plan and progressed to unsupervised visits. While father has been incarcerated on misdemeanor violations, he has attended to issues surrounding his alcohol abuse. Father's remaining barrier to reunification is obtaining services for his cognitive deficit. The testimony established that while the agency made untimely referrals for services to address his cognitive deficit, services were not available. The evidence is not clear and convincing that father would not be able to provide proper care and custody, and protect the child from harm, within a reasonable time if services for his cognitive deficit were provided.

²¹ *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

²² *In re COH, ERH, JRG, & KBH*, 495 Mich 184, 204; 848 NW2d 107 (2014).

²³ *Id.*

²⁴ IG does not raise a similar argument.

The trial court's written opinion demonstrates that it did consider respondent father's conduct as one of the conditions that led to the adjudication. The trial court considered whether respondent father had completed his treatment plan and what, if any, barriers remained to reunification. Reading the trial court's written findings in conjunction with the reasons articulated on the record, DHHS has not demonstrated that the trial court committed clear error.

DHHS and IG argue that the trial court clearly erred when it determined that respondent father had adequately addressed his alcohol dependence. We are not firmly convinced that the trial court erred in this regard. Respondent father had shown significant improvement in the time between the first and second termination proceedings. His progress was such that case workers recommended he be granted unsupervised visits with IG, and later, overnight visits, both of which were allowed by the trial court. There were also incidents, such as his March, 2014 arrest, which indicated that respondent father still had a problem with alcohol. The study completed in April, 2014, concluded that respondent father was beginning a long and likely difficult road to recovery. In sum, whether respondent father had adequately addressed his alcohol dependence such that there was a "reasonable likelihood that the condition [would] be rectified within a reasonable time considering the child's age[]"²⁵ was a disputed factual issue. Certainly, respondent father appears to have suffered some setbacks along the road to recovery, such that one might disagree with the trial court's conclusion. But given the high degree of deference we must afford the trial court's decision, we cannot conclude that the trial court clearly erred when it found that respondent father adequately addressed his alcohol dependence.

IG also asserts that other instances of conduct warranted termination of respondent father's parental rights under MCL 712A.19b(3)(c)(i), and argues that the trial court did not give sufficient weight to these circumstances. IG argues that respondent father was not in complete compliance with his treatment plan and did not benefit from the services he did complete. IG notes that respondent father was not allowed to continue with unsupervised overnight visits. IG also discusses respondent father's arrests, arguing that these incidents demonstrate that respondent father is at a "constant risk" of being unavailable to IG. However, several case workers testified that respondent father was in compliance with his treatment plan. He had completed parenting classes, domestic abuse classes, and substance abuse therapy. There was also evidence demonstrating that he benefitted from these services. His parenting time with IG was appropriate. He had progressed to unsupervised and overnight visits. And while these visits were discontinued, the reason for doing so was not because of inappropriate conduct by respondent father. Rather, it was due to a rash, the origin of which was never identified. Moreover, it appears that the trial court did not intend to terminate respondent father's unsupervised visitation.²⁶ And as discussed, respondent father did make progress in regard to his alcohol use. While respondent father's recent arrests are certainly a cause for concern, these arrests appear isolated and not necessarily an ongoing pattern of conduct. Overall, the arguments raised by IG speak to the weight to afford certain facts. In this regard, we must defer to the trial

²⁵ MCL 712A.19b(3)(c)(i).

²⁶ See note 5, *supra*.

court's determinations.²⁷ Accordingly, we do not find the trial court's decision with respect to MCL 712A.19b(3)(c)(i) clearly erroneous.²⁸

2. MCL 712A.19b(3)(g) AND (3)(j)

With respect to these statutory grounds, the trial court concluded that while it was possible that a preponderance of the evidence weighed in favor of termination, there was not clear and convincing evidence to terminate respondent father's parental rights. DHHS and IG argue that this conclusion was clearly erroneous. We disagree.

Termination is appropriate under MCL 712A.19b(3)(g) if "(1) the parent fails to provide proper care or custody for the child and (2) there is no reasonable expectation that the parent will be able to do so within a reasonable time given the child's age."²⁹ A "parent's *compliance* with the parent-agency agreement is evidence of [his] ability to provide proper care and custody."³⁰ As discussed, respondent father was largely in compliance with his treatment plan. And unlike respondent mother, he did demonstrate that he benefited from these services. The trial court concluded that the only barrier preventing respondent father from providing proper care and custody to IG was his cognitive deficit, for which he had not received services. This finding was supported by the testimony of caseworkers, who testified that if his cognitive deficit could be properly addressed, respondent father was capable of caring for IG. On this record, we do not find the trial court's conclusion clearly erroneous.

Termination is appropriate pursuant to MCL 712A.19b(3)(j) if "[t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent." As discussed, respondent father's conduct improved in the period between the two termination hearings. His improvement resulted in the foster care agency recommending that he first be allowed unsupervised visits with IG, and later, overnight visits with IG in his home. These visits returned to supervised visits by the time of the termination hearing, but the reason for doing so was not because of respondent father's conduct

²⁷ *Miller*, 433 Mich at 337.

²⁸ Both DHHS and IG argue to some extent that the trial court erred by concluding that DHHS had not made reasonable efforts to address respondent father's cognitive deficit. Both DHHS and IG misapprehend the trial court's holding. The court held that the only remaining barrier to reunification was adequately addressing this cognitive deficit. It also noted that DHHS had made referrals for such services, but that none of the agencies contacted were able to assist respondent father. This was not a finding that DHHS violated respondent father's rights under the Americans with Disabilities Act, as IG suggests, or a conclusion that DHHS failed to make reasonable efforts as required by Michigan law. See MCL 712A.19a(2). Rather, it was a conclusion that because respondent father had not received the type of treatment DHHS had attempted to obtain, it was unclear whether this final barrier to reunification could be rectified.

²⁹ *In re JK*, 468 Mich 202, 213-214; 661 NW2d 216 (2003).

³⁰ *In re JK*, 468 Mich 202, 214; 661 NW2d 216 (2003).

or capacity. Respondent father's conduct with IG was appropriate. During the period between the two termination hearings, there was only a single incident where IG was potentially put at a risk of harm by respondent father.³¹ Moreover, no evidence was presented at the termination hearing indicating that respondent father's home was unsuitable or that he lacked the financial capacity to care for IG. Respondent father also testified that he had a large number of relatives that could help him care for IG if needed. From this record, we are not left with a definite and firm conviction that the trial court erred with respect to MCL 712A.19b(3)(j).

In contesting these two statutory grounds, DHHS, and to a lesser extent, IG, rely on respondent father's conduct that occurred prior to the first termination hearing. While this conduct is perhaps relevant, respondent father's conduct in the period closer in time to the second evidentiary hearing was understandably given greater weight by the trial court. DHHS and IG also discuss respondent father's arrests in 2014. These arrests might raise a question regarding whether respondent father is capable of properly and safely parenting IG. But ultimately, the challenges raised by DHHS and IG speak to the weight to be placed on conflicting evidence. Given the deference we must give to the trial court's determinations, we cannot conclude from this record that the trial court clearly erred with respect to MCL 712A.19b(3)(g) or (3)(j).

Affirmed.

/s/ Michael J. Talbot
/s/ Mark J. Cavanagh
/s/ Kirsten F. Kelly

³¹ On a single occasion, IG's foster parents reported seeing IG playing near the street while waiting for a bus with respondent father, and respondent father did not appear to be paying attention to him.